

19.05 General Provisions

.010 Title.

This title shall be known as the City of Burien zoning code, hereinafter referred to as "this Code."

.015 Phasing of zoning code.

This Code is being prepared and adopted in phases. Phase 1 of this Code is the portion adopted by the City Council on June 7, 1999 (Ordinance 252) and as subsequently amended. Subsequent phases will include the remaining chapters and sections, as indicated in the table of contents. Until new chapters are adopted, both this Code and portions of the *Interim Zoning Code* will apply to property and development in Burien. This Code indicates when the *Interim Zoning Code* will apply, by either text stating its applicability, or by use of the symbol "#". In the case of a conflict between this Code and the *Interim Zoning Code*, the most recently adopted provision shall be followed. [Ord. 333 § 1, 2001]

.020 Authority to adopt code.

The zoning code is adopted by Burien ordinance, and is enacted under the authority of Article XI, Section 11 of the Washington state constitution and Chapters 35A.63 and 36.70A RCW, as amended.

.030 Purpose.

The general purposes of this Code are:

1. To encourage land use decision making in accordance with the public interest and applicable laws of the state of Washington, including but not limited to the Growth Management Act and Regulatory Reform Act and subsequent amendments;
2. To promote the general public health, safety, comfort and welfare of the residents of the city of Burien;
3. To implement the city of Burien comprehensive plan and the goals of the state Growth Management Act (GMA);
4. To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
5. To provide for adequate public facilities and services in conjunction with development;
6. To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development;
7. To conserve and protect property values throughout the city; and
8. To restrict and regulate the *height*, number of stories and size of *buildings*; the percentage of *lot coverage*; the size of yards and other open spaces; and the density of population.

.040 Conformity with this Code required.

1. No *use* or *structure* shall be established, substituted, expanded, constructed, altered, moved, maintained or otherwise changed except in conformance with this Code.

2. Creation of or changes to *lot* lines shall conform with the *use* provisions, dimensional and other standards, and procedures of this Code and city of Burien subdivision regulations.
3. All land *uses* and development authorized by this Code shall comply with all other regulations and/or requirements of this Code and any other local, state or federal agency that has jurisdiction over land uses and development. Where a difference exists between this Code and other regulations, the more restrictive requirements shall apply.
4. Where more than one part of this Code applies to the same aspect of a proposed *use* or development, the more restrictive requirement shall apply.

.050 Public uses.

To insure that public *uses* and *structures* conform to regulations governing private *uses* and development, agencies of the federal government, the state of Washington and its political subdivisions, including the city of Burien, shall comply with this Code.

.060 Permitted and prohibited uses.

Uses allowed in a specific zone are listed in the use zone chart for that zone in BMC 19.15. Any use or activity of land or *structures* that is not listed in the applicable use zone chart in BMC 19.15 is prohibited and shall not be established. *Social card games* are specifically prohibited in all zones.

.070 Minimum requirements.

In interpretation and application, the requirements set forth in this Code shall be considered the minimum requirements necessary to accomplish the purposes of this Code.

.080 Interpretation - General.

1. Regulations, conditions or procedural requirements that are specific to an individual *use* shall supersede regulations, conditions or procedural requirements of general application.
2. A *use* includes the necessary structures and activities to support the *use* unless specifically prohibited or the context clearly indicates otherwise.
3. Chapter and section headings, captions, illustrations and references to other sections or Codes are for reference or explanation only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section. In case of any ambiguity, difference of meaning or implication between the text and any heading, caption or illustration, the text and the use zone charts in Chapter 19.15 BMC shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or use zone chart.
4. The word "shall" is mandatory and the word "may" is discretionary.
5. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural or vice versa. Except for words and terms defined in this Code, all words and terms used in this Code shall have their customary meanings.
6. The words "use," "used," "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

.090 Interpretations of This Code - Specific.

1. The *Director* may, acting on his/her own initiative or in response to an inquiry, issue written interpretations of any of the provisions of this Code. The *Director's* interpretation shall include findings of fact and conclusions and shall be based on:

- a. The defined or common meaning of the words of the provision; and
- b. The general purpose of the provision as expressed in the provision; and
- c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan and applicable purpose and intent statements in this Code.

2. The *Director's* written interpretation of this Code will be enforced as if it is part of this Code.

3. All interpretations of this Code are available for public inspection and copying in the Department of Community Development during regular business hours. A reasonable fee for copying of interpretations may be charged.

4. Any person who is aggrieved by a written interpretation issued by the *Director* may appeal that interpretation at any time using the process for appealing a *Director's* interpretation in BMC 2.15 [Ord. 313 §1, 2000].

.100 Zoning map incorporated.

The map, or set of maps, entitled City of Burien Zoning Map and adopted by the City Council is hereby incorporated as part of this Code.

.110 Interpretation - Zoning boundaries.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

1. Zoning district boundaries are the centerline of either *streets*, alleys, roads or highways, unless otherwise shown. Non-road-related uses by adjacent property owners, if allowed in the *right-of-way*, shall meet the same zoning requirements regulating the property owner's *lot*;

2. Where boundaries are indicated as following approximately *property lines*, the actual *property lines* shall be considered the boundaries;

3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them;

4. Where a *right-of-way* is vacated, the area comprising the vacated *right-of-way* will acquire the zoning classification of the property to which it reverts;

5. Where a district boundary divides a *lot* under a single ownership into two districts, then the entire *lot* shall be zoned for the less restrictive use, provided the zoning district boundary adjustment is a distance of 50 feet or less. If the adjustment involves a distance of more than 50 feet, the procedures for a rezone (Chapter 19.65 BMC) shall be followed; and

6. If none of the rules of interpretation described in sections 19.05.110.1 through 19.05.110.5 apply, then the zoning boundary shall be determined by map scaling.

.120 Zones and map designations established.

In order to accomplish the purposes of this Code the following zoning designations and zoning map symbols are established:

ZONING DESIGNATION	MAP SYMBOL	ZONING DESIGNATION	MAP SYMBOL
Residential, Single-Family	RS (followed by a designation indicating minimum <i>lot area</i> in square feet)	Regional Commercial	CR
Residential, Multi-Family	RM (followed by a designation indicating base density in <i>dwelling units</i> per acres)	Office	O
Professional Residential	PR	Downtown Commercial	DC
Neighborhood Center	CN	Airport Industrial	AI (followed by a designation indicating which sub-zone within the Airport Industrial Zone)
Community Commercial	CC (followed by a designation indicating which sub-zone within the Community Commercial Zone)	Industrial	I
Intersection Commercial	CI	Special Planning Area	SPA (followed by a designation indicating which Special Planning Area)

[Ord. 529, 2009, Ord. 313 §1, 2000]

.130 Unzoned property.

Any property within the City of Burien which, for any reason, does not have a zone designation, will be construed to be within the RS-A zone.

.140 Annexed property.

When a proposed Comprehensive Plan and zoning regulations and/or map have been adopted by the City of Burien, pursuant to RCW 35A.14.330 prior to annexation of land, that plan and zoning regulation and/or map will, upon the effective date of annexation, be deemed to amend this Code to the extent set forth in the annexation ordinance. Any other property or area which may, because of annexation, become a part of the City of Burien, will be deemed to be zoned with a classification the same as, or as nearly comparable as possible with the classification that the property was zoned immediately prior to annexation.

.150 Zone and map designation purpose.

The purpose statements for each zone and map designation set forth in Chapter 19.15 BMC shall be used to guide the application of the zones and designations to all lands in the city of Burien. The purpose statements also shall guide interpretation and application of land use regulations within the

zones and designations, and any changes to the range of *uses* allowed within each zone through amendments to this Code.

.160 Classification of right-of-way.

Within *street* or alley *rights-of-way*, *uses* shall be limited to *street* purposes as defined by law, unless otherwise allowed by this Code, and shall be considered permitted *uses* in all cases.

.170 Severability.

Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this Code be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Code.